

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **People of MI v Jeffery Todd Barnes**  
Docket No. **259918**  
L.C. No. **03-011781-FC**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),  
orders:

The claim of appeal dated December 22, 2004, is DISMISSED for lack of jurisdiction because the judgment of sentence was not a final order at the time that the claim was filed. If an appellant files a motion for a new trial the finality of the order is suspended until the trial court denies that motion. An appeal as of right may then be claimed from the final order after entry of the order denying the motion. See MCR 7.204(A)(2)(d). A claim of appeal that is filed before the entry of the denial order is a premature claim. Furthermore, under MCR 6.425(F)(1) the claim of appeal is not to be filed until after disposition of the motion for new trial. Declining to rule on the motion for new trial because the issues can be raised by appellate counsel does not constitute disposition of the motion for new trial as this Court has so indicated in dismissing an earlier claim of appeal filed in docket number 257588.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN - 7 2005

Date

*Sandra Schultz Mengel*  
Chief Clerk